

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Revision of the Commission's
Rules to Ensure Compatibility
with Enhanced 911 Emergency
Callings Systems

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CC Docket No. 94-102
RM-8143

Reply Comments of XYPOINT Corporation

XYPOINT Corporation ("XYPOINT") by its attorney hereby submits its reply comments in the above-captioned matter on the *Opposition and Comments of NENA, APCO and NASNA* and the *Comments on Proposed Revisions to Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems* submitted by the Washington State Enhanced E911 Program. In support of its reply comments, XYPOINT states as follows:

XYPOINT disagrees with the joint opposition of NENA, APCO and NASNA (hereinafter referred to collectively as "Public Safety Entities") and the comments of the Washington State Enhanced 911 Program ("Washington State") with regard to their views that PSAPs should determine the transmission technology to be used to deliver Phase I and Phase II wireless E911 elements. With respect to this issue, XYPOINT supports the positions taken by the Cellular Telecommunications Industry Association ("CTIA") and AT&T Wireless Services, Inc. ("AWS").

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XYPOINT agrees that PSAPs have a vital role to play by working with CMRS carriers to ensure that wireless E911 service is deployed efficiently and effectively throughout the U.S. In this regard, PSAPs should be involved in, and make recommendations with regard to, certain functionality requirements and performance standards relative to the implementation of wireless E911. PSAPs should provide assistance and direction to covered carriers on implementation issues including, but not limited to, coordination of deployment schedules, routing requirements for E911 calls placed by users of wireless devices and additional administrative aspects of wireless E911 service. However, as CTIA and AWS argued in their comments in this portion of the wireless E911 proceeding, and as XYPOINT has advocated since the first stages of its participation in CC Docket No. 94-102, wireless carriers should be the entities with the discretion to make the choice on what technology will be used to implement Phase I and Phase II wireless E911 since (1) they are the entities required to legally comply with the Commission's rules and (2) carrier selection of technology ensures a competitive market for the deployment of systems to implement wireless E911. Had the Commission intended that PSAPs (or any other organization or jurisdiction) make the transmission technology choice for wireless carriers subject to Section 20.18, there would surely have been language so indicating.

Though the Public Safety Entities assert that “some 9-1-1 Authorities are troubled” by the selection of non-call path-associated signaling and certain other alleged problems with non-call path-associated signaling¹, it does not provide factual support for

¹ Public Safety Entities' Opposition, p. 5.

such statements. Similarly, though Washington State alleges that permitting the carrier to select the technology for delivery of call data to the PSAP "could" result in prices being set unreasonably high and "could" require PSAPs to have separate equipment and answering positions for each carrier², there is no factual support for its allegations.

In point of fact, numerous PSAPs have decided not to support Enhanced MF Signaling (hereinafter "FGD") solutions for receipt of data from wireless E911 calls since, among other things, FGD averages an unacceptably long wireless E911 call setup time from 12-17 seconds. Instead, many PSAPs have supported the use of non-call path associated signaling techniques. In point of fact, there is no validity to the statement made by Public Safety Entities view that "(i)n an NCAS environment, the caller's number would not be available at the PSAP, nor could the call be traced." In point of fact, there is no validity to the claim that use of non-FGD solutions is more costly for PSAPs, the carriers or consumers. Indeed, selection of a FGD solution will clearly be more expensive in the long run since CAMA and/or FGD trunks will have to be replaced to implement Phase II wireless E911 rules. In addition, any technology utilized for E911 service needs to address the particular needs of rural areas where installation of expensive switching equipment is not cost effective.

Furthermore, the Commission has already determined that there are a variety of different methods by which covered wireless carriers can cost effectively meet their Phase I wireless E911 obligations:

The record indicates, however, that it is currently feasible to comply with the Phase I requirements based on the current wireline

² Washington State Opposition, Section IV.B.

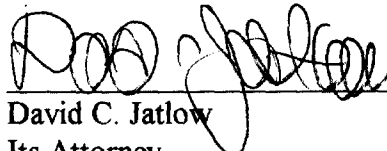
E911 network, without incurring substantial upgrades either to LEC networks or to PSAP equipment.³

With regard to the issue of wireless carrier immunity and the filing of informational tariffs by carriers subject to Section 20.18, XYPOINT reiterates the views expressed in its earlier comments in this proceeding, i.e., that the FCC should evaluate such matters in the context of a separate proceeding on miscellaneous wireless E911 implementation issues.

In conclusion, the FCC should take no action which serves to delay the implementation of Phase I wireless E911 services since all parties interested in this proceeding agree that provision of such services to consumers is in the public interest.

Respectfully submitted,

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March 30, 1998

³ In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Memorandum Opinion and Order, CC Docket No. 94-102, __ FCC Rcd __ (December 23, 1997).

CERTIFICATE OF SERVICE

I, Lisa M. Volpe, hereby certify that I have this 30th day of March 1998, caused copies of the foregoing Comments of XYPOINT Corporation to be served by United States mail, first class to the following:

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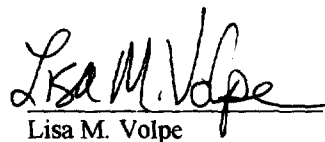
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